

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

WALTER SMITH,

Plaintiff,

v.

BETH LIND, et al.,

Defendants.

OPINION AND ORDER

14-cv-796-slc

---

On September 12, 2017, I granted *pro se* plaintiff Walter Smith's request for assistance in recruiting counsel and stayed this matter. (Dkt. 69.) The court has located counsel willing to represent Smith: David Anstaett, from Perkins Coie, LLP. As such, I am setting a telephonic status and scheduling conference for Thursday August 30, 2018, at 3:00 p.m.. This should allow sufficient time for Attorney Anstaett to speak to Smith and to enter his appearance in this case.

As this case gets back on track, plaintiff should appreciate that recruited counsel is taking this case out of a sense of professional responsibility, which includes representing plaintiff zealously. In return for this representation by a volunteer attorney, plaintiff also takes on responsibilities: all of plaintiff's communications with the court now must be through his attorney. Plaintiff must work directly and cooperatively with his attorney, as well as those working at his direction. Plaintiff must permit his attorney to exercise his professional judgment to determine which matters are appropriate to bring to the court's attention and in what form. Plaintiff does not have the right to require counsel to raise frivolous arguments or to follow plaintiff's every directive. On the contrary, plaintiff should expect his counsel to tell him what he *needs* to hear, rather than what plaintiff might *want* to hear. Plaintiff must understand that the rules of professional conduct may prevent counsel

from taking certain actions or from permitting plaintiff to take them. If plaintiff decides at some point that he does not wish to work with his lawyer, he is free to alert the court and end his representation, but it is highly unlikely that the court will recruit a second set of attorneys to represent him.

#### ORDER

IT IS ORDERED that a telephonic status and scheduling conference is set in this matter for Thursday, August 30, 2018, at 3:00 p.m. Defense counsel will be responsible for initiating the call to the court at (608) 264-5153.

Entered this 15<sup>th</sup> day of August, 2018.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge